

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION**

Civil Action No. 4:11-CV-00094-BO

BRUCE BANNISTER; MAX DUTTON;
and MARION TOWLES;

Towles,

vs.

WAL-MART STORES EAST, L.P.,

Defendant.

**APPENDIX TO DEFENDANT'S
MOTION FOR SUMMARY
JUDGMENT REGARDING MAX
DUTTON'S CLAIMS**

A-18

Max Dutton Deposition Transcript Exhibit 32
Letter from M. Dutton to A. Binder (7/14/2009)

July 14, 2009

Art,

After contemplating and re-reading my statement of earlier today, I have had a chance to really put my thoughts together. Your visit came as a surprise and even though the events in my statement are true, I would like to opportunity to thoughtfully add more comments.

As you know, funding raising through Wal-Mart for Children's Miracle Network (CMN), more specifically the Children's Hospital of the Kings Daughter (CHKD), is a belief of Sam Walton and his family. Wal-mart is committed to this endeavor.

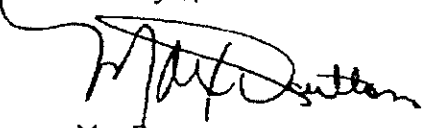
For the past eleven years, Art Glidden has been involved in CMN fundraisers periodically throughout our community. My past district managers and/or market managers knew Art to be a fine citizen donating his time to help the CHKD. When not involved with CMN, he is involved with the fire department and other community organizations raising money for the Joy Fund. The Joy Fund is a community organization which helps needy children and families. He has received the Governor's Award for volunteerism in NC. Art was persistent in his requests to volunteer at the store to raise money for CMN. He has recently been discharged from the local nursing home and wanted to get back involved.

In an earlier email followed by a conference call, each store was directed to raise \$7,500.00 for CMN. I don't recall the date of this email and conference call, but can find it if so desired. We were told to "do whatever it takes, be creative." Our store participated in many events such as beach dress up day asking associates to donate \$5.00, I was asked to donate \$20.00, bake sales, cookouts, donation raffles, and asking customers at the register for donations, plus many, many other events. During a morning meeting, the associates asked if they could put up a sign asking the truck drivers or anyone coming in the back if they would be willing to donate to CMN. Charlie Lipsey from George Marshall and Associates (a local vendor) was in the store and put money in our incubator for CMN. He mentioned to some associates and myself that his son had a brain tumor when he was an infant and how the children's hospital had helped him and his family. He said he "felt compelled to do more" and sent the store a check in the amount of \$500.00 made out to CMN to be placed in the incubator. I have his contact information for you to verify if necessary.

Other vendors, seeing what we were doing raising money for CMN, wanted to get involved. For example, Coppertone and Frito Lay both expressed their interest in donating to this cause. We discouraged these donations from vendors due to the possibility of it being deemed incorrect and looking at it as being a forced donation to benefit the vendor. Charlie Lipsey had a personal experience and was making the donation as a heartfelt, genuine contribution.

If you have any questions or concerns regarding my involvement with Wal-mart or fundraising for CMN, please know that you can contact me at any time.

Thank you,


Max Dutton
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252-216-6686 (Cell)
252-441-5119 (Home)
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mxd@datene.com

